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**Please find below and/or attached an Office communication concerning this application or proceeding.**

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**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Application Number: 09/819,899
Filing Date: March 29, 2001
Appellant(s): HAUGHWOUT, JIM PAUL



Jermy J. Monaldo
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed September 24, 2007 appealing from the Office action mailed December 15, 2006.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

| | | |
|---|---|---|
| 6,553,113 | DHIR | 4-2003 |
| 6,665,644 | KANEVSKY ET AL. | 12-2003 |
| 5,511,112 | SZLAM | 4-1996 |

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

**Claims 90, 94, 96-97, 107, 111, 112, 120, 124-125, and 136-153 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent No. 6,553,113 to Dhir et al. in view of U.S. Patent No. 6,665,644 to Kanevsky et al.**

Regarding claim 90, Dhir discloses a process comprising:

- receiving and handling at a customer service call center an incoming service call from a caller seeking assistance (col. 8, lines 7-11; col. 11, lines 32-42); and

- leveraging the incoming service call for assistance as a conduit for soliciting the caller to purchase merchandise or services (col. 3, lines 6-11; col. 3, lines 23-31; col. 8, lines 7-11; col. 12, lines 8-10), the leveraging including:
    - identifying a caller identity or a first caller attribute related to the caller (col. 7, lines 42-51; col. 8, lines 7-11; col. 11, lines 61-65);
    - storing in a first electronic database, prior to the receipt of the incoming service call from the caller, a sales pitch (service(s) or servicing the call) preference of the caller, as an additional attribute (col. 7, lines 54-67; col. 8, lines 1-26; col. 9, lines 51-58);
    - searching a first electronic database to determine the additional attribute of the caller based on at least one of the caller identity or the first caller attribute, where the first electronic database includes information gathered about the caller prior to the call (col. 7, lines 54-67; col. 8, lines 1-26; col. 9, lines 51-58; col. 11, lines 36-44; Figure 7);
    - routing the service call to a human operator for presentation of the first sales pitch to the caller (col. 6, lines 11-12; col. 8, lines 14-15);

However, Dhir does not disclose a preference of the caller not to receive any sales pitch and the omitting to search a database of potential sale pitches based upon at least the additional attribute of the call and routing the call to a human operator. Dhir does disclose customer profile behavior data module and strategies module and routing codes data module (col. 6, lines 44-46). Dhir further discloses human- assisted call processing (col. 6, lines 10-11).

Kanevsky, on the other hand, teaches a preference of the caller not to receive any sales pitch and the omitting to search a database of potential sale pitches based upon at least the additional attribute of the call and routing the call to a human operator (abstract; col. 4, line 66 – col. 5, line 4; col. 5, lines 32-35; col. 7, lines 46-54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the process of Dhir, to include a preference of the caller not to receive any sales pitch and the omitting to search a database of potential sale pitches based upon at least the additional attribute of the call and routing the call to a human operator, as taught by Kanevsky, in order to provide data associated with the voice of a user which can efficiently and automatically make use of the data available in transactions (Kanevsky, col. 60-62).

Regarding claims 94, 96, 110, 112, 125, and 137-140, Dhir discloses a preference to receive a certain type of sales pitch; populating the first electronic database prior to the call with information indicative of the caller; populating the first electronic database with information indicative of a response by the caller to the first sales pitch; and populating the first electronic database with information indicative of responses made by the caller in response to past sales pitch presentations (col. 5, lines 51-62; col. 7, lines 15-33; col. 7, lines 54-67; col. 8, lines 1-15).

Regarding claims 97, 111, 124, and 141, Dhir substantially discloses the claimed invention, however, it does not disclose populating the database with information indicative of past misbehavior of the caller. Dhir discloses customer profile behavior module, which stores and reflects on customer profiles and behavior (col. 7, lines 115-

17). The customer profile behavior data contains the data that is used by the call routing system to make strategic decision predictions about caller needs (col. 7, lines 30-34).

Kanevsky, on the other hand, teaches populating the database with information indicative of past misbehavior of the caller (abstract; col. 4, line 66 – col. 5, line 4; col. 5, lines 32-35; col. 7, lines 46-54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the process of Dhir, to include populating the database with information indicative of past misbehavior of the caller, as taught by Kanevsky, in order to provide data associated with the voice of a user which can efficiently and automatically make use of the data available in transactions (Kanevsky, col. 60-62).

Regarding claims 107 and 120, Dhir discloses a system and computer program comprising:

- an identification component or code segment that determines a caller identity related to a caller seeking assistance from a customer service call center (col. 7, lines 34-51; col. 11, lines 49-66);
- a first electronic database configured to store as an attribute related to the caller and prior to the receipt of the incoming call from the caller, a sales pitch (service(s) or servicing a call) preference of the caller (col. 7, lines 54-67; col. 8, lines 1-26; col. 9, lines 51-58)

- a search component configured to identify in the first electronic database component or code segment that identifies the attribute related to the caller based on the caller identity (col. 7, lines 34-51; col. 11, line 49-col. 12, line 11; col. 12, lines 56-66); and
- a call router that routes the service call to a human operator to assist the caller (col. 6, lines 11-12; col. 8, lines 14-15).

However, Dhir does not disclose a preference of the caller not to receive any sales pitch and configured to omit to search a database of potential sale pitches based upon at least the additional attribute of the call and a call router to a human operator. Dhir does disclose customer profile behavior data module and strategies module and routing codes data module (col. 6, lines 44-46). Dhir further discloses human-assisted call processing (col. 6, lines 10-11)

Kanevsky, on the other hand, teaches a preference of the caller not to receive any sales pitch and configured to omit to search a database of potential sale pitches based upon at least the additional attribute of the call and a call router to a human operator (abstract; col. 4, line 66 – col. 5, line 4; col. 5, lines 32-35; col. 7, lines 46-54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the process of Dhir, to include a preference of the caller not to receive any sales pitch and configured to omit to search a database of potential sale pitches based upon at least the additional attribute of the call and a call router to a human operator, as taught by Kanevsky, in order to provide data associated

with the voice of a user which can efficiently and automatically make use of the data available in transactions (Kanevsky, col. 60-62).

Regarding claim 136, Dhir substantially discloses the claimed invention, however, it does not explicitly discloser a preference of the caller not to receive a sales pitch related to a first service or product and not to receive any sales pitches related to a provider of the first service or product; searching, a second database of potential sales pitches to identify a first sales pitch that is not related to the first service or product and is not related to the provider of the first service or product; route the service call to a human operator; and assisting the human operator. Dhir discloses customer profile behavior module which stores and reflects on customer profiles and behavior (col. 7, lines 115-17). The customer profile behavior data contains the data that is used by the call routing system to make strategic decision predictions about caller needs (col. 7, lines 30-34).

Kanevsky, on the other hand, teaches a preference of the caller not to receive a sales pitch related to a first service or product and not to receive any sales pitches related to a provider of the first service or product; searching, a second database of potential sales pitches to identify a first sales pitch that is not related to the first service or product and is not related to the provider of the first service or product; route the service call to a human operator; and assisting the human operator (abstract; col. 4, line 66 – col. 5, line 4; col. 5, lines 32-35; col. 7, lines 46-54; col. 8, lines 40-54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the process of Dhir, to include a preference of the caller not to receive a sales pitch related to a first service or product and not to receive any sales pitches related to a provider of the first service or product; searching, a second database of potential sales pitches to identify a first sales pitch that is not related to the first service or product and is not related to the provider of the first service or product; route the service call to a human operator; and assisting the human operator, as taught by Kanevsky, in order to provide data associated with the voice of a user which can efficiently and automatically make use of the data available in transactions (Kanevsky, col. 60-62).

Regarding claims 142-146, Dhir discloses searching the second electronic data base for a second sales pitch for the caller immediately after the caller provides the response to the first sales pitch (col. 8, lines 1-25; col. 12, lines 1-30; Figures 7-9); wherein assisting the human operator in presenting the first sale pitch comprises displaying at least a portion of the selected first sales pitch on a display of the human operator (col. 3, lines 1-2; col. 6, lines 11-12; col. 8, lines 14-15); wherein the first sales pitch is identified with the second database only when at least the additional attribute of the caller indicates that the caller satisfies a predetermined criterion (col. 5, lines 51-62; col. 7, lines 54-67; col. 9, lines 51-55; col. 12, lines 56-66); wherein the first caller attribute indicates a geographic residence of the caller, and identifying the first sale pitch includes making unavailable selection one or more sales pitches of the second electronic database based upon the geographic residence of the caller (col. 6, lines 24-

34; col. 11, lines 32-37); and wherein the additional attribute of the caller includes a credit status for the caller and identifying the first sales pitch includes selecting the first sales pitch for the caller only when the credit status of the caller is satisfactory (col. 7, lines 15-51; col. 10, lines 40-47).

Regarding claims 147-149, Dhir discloses transferring the caller to a commercial partner that provides a product or service that corresponds to the selected first sales pitch if the caller has expressed interest in the first sales pitch (col. 4, lines 30-31; col. 7, lines 23-26; col. 12, lines 7-18); communicating information related to the caller to the commercial partner substantially in real time (col. 5, lines 14-16; col. 7, lines 5-8); and wherein the information comprises information related to the first sales pitch presented to the caller (col. 7, lines 15-51; col. 8, lines 1-25; col. 12, lines 1-18).

Regarding claim 150, Dhir discloses transferring the caller to a commercial partner that provides a product service that corresponds to the selected first sales pitch, wherein the commercial partner provides a second sales pitch to the caller; receiving feedback information form the commercial partner regarding a response by the caller to the second sales pitch; and populating the first electronic database with information indicative of the response by the caller to the second sale pitch. (See at least col. 2, lines 23-33; col. 8, lines 44-47; col. 11, lines 14-23; col. 12, lines 6-17; col. 13, lines 41 – col. 14, line 5; col. 14, lines 47-52; Figure 12).

Regarding claims 151-153, Dhir substantially discloses the claimed invention, however, it does not discloses sales pitch preferences corresponding to a preference not to receive any sales pitch.

Kanevsky, on the other hand, teaches sales pitch preferences corresponding to a preference not to receive any sales pitch (abstract; col. 4, line 66 – col. 5, line 4; col. 5, lines 32-35; col. 7, lines 46-54; col. 10, lines 65-67; col. 13, lines 4-14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the process of Dhir, to include sales pitch preferences corresponding to a preference not to receive any sales pitch, as taught by Kanevsky, in order to provide data associated with the voice of a user which can efficiently and automatically make use of the data available in transactions (Kanevsky, col. 60-62).

**Claims 133-135 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent No. 6,553,113 to Dhir et al. in view of U.S. Patent No. 6,665,644 to Kanevsky et al. and in further view of U.S. Patent No. 5,511,112 to Szlam.**

Regarding claims 133-135, Dhir substantially discloses the claimed invention, however, it does not expressly disclose information indicative of the past misbehavior; routing the call to a human operator based on the past misbehavior; a call router bypass a sales pitch selection to route to a human operator; to assist the human operator to take the service call based on the past misbehavior; and the past misbehavior includes that the caller has violated a terms of service agreement associated with the caller's account. Dhir discloses customer profile behavior module which stores and reflects on customer profiles and behavior (col. 7, lines 115-17). The customer profile behavior data contains the data that is used by the call routing system to make strategic decision predictions about caller needs (col. 7, lines 30-34).

Kanevsky, on the other hand, teaches information indicative of the past misbehavior; routing the call to a human operator based on the past misbehavior; a call router bypass a sales pitch selection to route to a human operator; and to assist the human operator to take the service call based on the past misbehavior (abstract; col. 4, line 66 – col. 5, line 4; col. 5, lines 32-35; col. 7, lines 46-54; col. 8, lines 40-54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the process of Dhir, to include information indicative of the past misbehavior; routing the call to a human operator based on the past misbehavior; a call router bypass a sales pitch selection to route to a human operator; and to assist the human operator to take the service call based on the past misbehavior, as taught by Kanevsky, in order to provide data associated with the voice of a user which can efficiently and automatically make use of the data available in transactions (Kanevsky, col. 60-62).

Szlam, on the other hand, teaches the past misbehavior includes that the caller has violated a terms of service agreement associated with the caller's account (col. 8, lines 21-24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the process of Dhir, to include the past misbehavior includes that the caller has violated a terms of service agreement associated with the caller's account, as taught by Szalm, in order to discuss the matter (col. 8, lines 20-21) so as to increase efficiency and productivity of the agent (col. 8, lines 32-33).

**(10) Response to Argument**

On page 11, first paragraph in the Argument section, Appellant's argues that "Kanevsky fails to describe or suggest storing in a first electronic database prior to the receipt of the incoming service call from the caller, a sales pitch preference of the caller, as an additional attribute, comprising a preference of the caller not to receive any sales pitches".

The Examiner does not agree. Examiner notes that the scope of the arguments is narrow, wherein the scope of the claims is broad. Nonetheless, Examiner notes that the combination of Dhir and Kanevsky discloses "storing in a first electronic database prior to the receipt of the incoming service call from the caller, a sales pitch preference of the caller, as an additional attribute, comprising a preference of the caller not to receive any sales pitches". Dhir discloses the "storing in a first electronic database, prior to the receipt of the incoming service call from the caller, a sales pitch preference of the caller, as an additional attribute". Dhir discloses a system and method for routing phone calls in a service center that integrates telephony with computers to provide a positive and personalized service environment that increases caller recognition (col. 1, lines 8-12). The system employs one or more banks of centralized interactive voice response's (IVR) to permit customer input information to be gathered before call routing the call sites within the virtual call center network (col. 3, lines 19-22). Dhir discloses a system comprising a central server system, a data logger system, administrative controller system, a call router database, interactive voice response (IVR) system 1, and

IVR system2 (col. 4, lines 40-45). The IVR system1 and IVR system2 collect information from callers in order to route calls to the proper target such as a qualified agent at a queue at a call site (col. 5, lines 51-54). The IVR system comprises a central server IVR interface, and a series of individual IR devices (col. 9, lines 20-22). By incorporating shared IVR systems (IVR system1 and IVR system2) within the call routing network before a call is forwarded to a local call site, additional information can be received so that it is more likely that the correct account is recognized and the proper routing strategy is computed (col. 9, liens 51-55). The data logger system is used as a logging system which provides for the storage of records reflecting the path taken by every call entering the call routing system. The data logger can store records reflecting activity levels of various peripherals, such as the IVRs and call centers so that system administration personnel can evaluate long term loading levels. The logger system may provide storage of both short-term transactional data and long term historical data. (Col. 5, lines 19-30) The administrative controller system is used for administrating and monitoring the call routing system. Administrative controller system may be used to input new parameters or routing scripts to the central server system. (Col. 5, lines 31-34) The call router database (CRD) comprises a storage means for storing data for the call router system. CRD is accessed by central server system in order to retrieve customer identification and profile or behavior data in order to generate routing strategies and return addresses. CRD is controlled by the central server system to store transaction and history data reflecting activity on the call routing system. (Col. 5, lines 40-50) Additional information is secured from the caller that the proper account is

recognized and strategic decision logic and load balancing logic can be employed to route the call to the best target (col. 7, lines 59-62).

Such system and method for routing phone calls in a service center that integrates telephony with computers to provide a positive and personalized service environment that increases caller recognition; incorporation of the IVR system within the call routing network before a call is forwarded to a local call site, additional information can be received so that it is more likely that the correct account is recognized and the proper routing strategy is computed; one or more banks of centralized interactive voice response's (IVR) to permit customer input information to be gathered before call routing the call sites within the virtual call center network; data logger that stores records reflecting activity levels of various peripherals such as IRC and storing record such as short-term transactional data and long term historic data; administrative controller system which is used for administrating and monitoring the call routing system and may be used to input new parameters or routing scripts to the central server system; and call router database (CRD) comprising a storage means for storing data for the call router system and which is accessed by central server system in order to retrieve customer identification and profile or behavior data in order to generate routing strategies and return addresses are considered the "storing in a first electronic database, prior to the receipt of the incoming service call from the caller, a sales pitch preference of the caller, as an additional attribute".

The Examiner then turns to Kanevsky to teach a preference of the caller not to receive any sales pitch. Kanevsky teaches a voice-oriented system to tailor response of

a voice system to an acoustically determined state of a voice system user (col. 1, lines 7-12). Kanevsky further teaches an attribute data which is stored in the data warehouse which correlates with at least one user attribute (col. 2, lines 21-23). The attribute data which is stored in the data warehouse corresponds to the acoustic feature that correlates with at least one user attribute, and is stored together with at least one identifying indicia. The data stored in the data warehouse in a form to facilitate subsequent data mining. (Col. 2, lines 22-26) The identifying indicia can be a time stamp which correlates the various features to a conversation conducted at a given time, thereby identifying the given transaction; can be an identification number or name, which identifies the user; or can be any other item of information associated with the attribute data which is useful in the data mining process (col. 9, lines 26-32). Kanevsky provides a collection of stored data which can be mined to provide information which may be desired, for example, information to be used in modifying the underlying business logic of the voice system. (Col. 9, lines 33-42) Kanevsky teaches that for a given business objective, such as predictive models or classifiers are automatically obtained by applying appropriate mining recipes (col. 7, lines 41-46). Kanevsky teaches examples of business objectives such as users who have problems with the automated system and should be transferred to an operator and users who are angry at the service should be transferred to a supervisory person (col. 7, lines 48-54).

Such an attribute data which is stored in the data warehouse which correlates with at least one user attribute and is stored together with at least one identifying indicia; the identifying indicia associated with the attribute data is useful in the data mining

process; a collection of stored data which can be mined to provide information which may be desired, for example, information to be used in modifying the underlying business logic of the voice system; and users who have problems with the automated system and should be transferred to an operator, and users who are angry at the service should be transferred to a supervisory person are considered a preference of the caller not to receive any sales pitch.

On page 11, second and third paragraph in the Argument section, Appellant's arguments pertaining to claims 107 and 120.

The Examiner directs Appellant's attention to the remarks above.

On pages 13-14, third paragraph in Argument section, Appellant argues that "Dhir and Kanevsky, either alone or in the proposed combination, fail to describe or otherwise suggest storing a sales pitch preference in a first electronic database to be used as an additional attribute of the caller, the sales pitch preference comprising a preference of the caller not to receive a sales pitch related to a first service or product and not to receive any sales pitches related to a provider of the first service or product".

The Examiner does not agree. The combination of Dhir and Kanevsky describes or suggest "storing a sales pitch preference in a first electronic database to be used as an additional attribute of the caller, the sales pitch preference comprising a preference of the caller not to receive a sales pitch related to a first service or product and not to receive a sales pitch related to a first service or product and not to receive any sales

pitches related to a provider of the first service or product". As discussed above, Dhir discloses "storing a sales pitch preference in a first electronic database to be used as an additional attribute of the caller".

The Examiner then turns to Kanevsky to teach "the sales preference comprising a preference of the caller not to receive a sales pitch related to a first service or product and not to receive any sales pitches related to a provider of the first service or product". Kanevsky teaches a voice-oriented systems to tailor response of a voice system to an acoustically determined state of a voice system user (col. 1, lines 7-12). Kanevsky further teaches an attribute data which is stored in the data warehouse which correlates with at least one user attribute (col. 2, lines 21-23). The attribute can include the gender of the user, accent of the user, native language of the user, socioeconomic classification of the user, dialect of the user, educational level of the user, and the emotional state of the user (col. 3, lines 55-59). Socioeconomic classification of the user can include such factors as the racial background of the user, ethnic background of the user, and economic class of the user, for example, blue collar, white-collar-middle class, or wealthy (col. 4, lines 51-54). Emotional categories can include hot anger, cold anger, panic, fear, anxiety, sadness, elation, despair, happiness, boredom, shame, contempt, confusion, disgust, and pride (col. 5, lines 1-4). The attribute data which is stored in the data warehouse corresponds to the acoustic feature which correlates with at least one user attribute, and is stored together with at least one identifying indicia. The data is stored in the data warehouse in a form to facilitate subsequent data mining. (Col. 2, lines 22-26) The identifying indicia can be a time stamp which correlates the various

features to a conversation conducted at a given time, thereby identifying the given transaction; can be an identification number or name, which identifies the user; or can be any other item of information associated with the attribute data which is useful in the data mining process (col. 9, lines 26-32). Kanevsky provides a collection of stored data which can be mined to provide information which may be desired, for example, information to be used in modifying the underlying business logic of the voice system. (Col. 9, lines 33-42) Kanevsky teaches that for a given business objective, such as predictive models or classifiers are automatically obtained by applying appropriate mining recipes. (Col. 7, lines 41-46) Kanevsky teaches examples of business objectives such as detection of users who are angry at the service should be transferred to a supervisory person (col. 7, lines 48-54).

Such an attribute data which is stored in the data warehouse which correlates with at least one user attribute and is stored together with at least one identifying indicia; the attribute can include the gender of the user, accent of the user, native language of the user, socioeconomic classification of the user, dialect of the user, educational level of the user, and the emotional state of the user; the identifying indicia associated with the attribute data is useful in the data mining process; a collection of stored data which can be mined to provide information which may be desired, for example, information to be used in modifying the underlying business logic of the voice system; and users who are angry at the service should be transferred to a supervisory person are considered "a preference of the caller not to receive a sales pitch related to a first service or product and not to receive any sales pitches related to a provider of the first service or product".

Applicant remarks that "Dhir, Kanevsky, and Szlam either alone or in the proposed combination, fail to describe or suggest at least "a call routing code segment that causes the computer to bypass the second code segment and to route the service call to a human operator based on the identified information indicative of past misbehavior, wherein the identified information indicative of past misbehavior includes information that the caller has acted illegally or that the caller has violated a terms of service agreement associated with the caller's account", as recited in claim 133.

The Examiner does not agree. Dhir was cited for the call routing code segment, as discussed above. Kanevsky was cited for routing the call to a human operator based on the identified information indicative of the past misbehavior. Kanevsky discloses storing attribute data corresponding to the acoustic feature in the data warehouse (col. 2, lines 9-10). The attribute includes emotional state (col. 2, lines 17-21). The emotional categories include hot anger, cold anger, panic, shame, contempt, disgust and pride (col. 6, line 67 - col. 5, line 4). The attribute data which is stored in the data warehouse corresponds to the acoustic feature which correlates with at least one user attribute, and is stored together with at least one identifying indicia. The data is stored in the data warehouse in a form to facilitate subsequent data mining. (Col. 2, lines 22-26) The identifying indicia can be a time stamp which correlates the various features to a conversation conducted at a given time, thereby identifying the given transaction; can be an identification number or name, which identifies the user; or can be any other item of information associated with the attribute data which is useful in the data mining

process (col. 9, lines 26-32). Kanevsky provides a collection of stored data which can be mined to provide information which may be desired, for example, information to be used in modifying the underlying business logic of the voice system. (Col. 9, lines 33-42) Examples include a user who is angry at the service should be transferred to a supervisory person (col. 7, lines 52-54).

Such storing of the attribute which includes emotional state, such as anger, contempt, shame, and disgust; attribute data which is stored in the data warehouse corresponds to the acoustic feature which correlates with at least one user attribute, and is stored together with at least one identifying indicia; though identifying indicia can be a time stamp which correlates the various features to a conversation conducted at a given time, thereby identifying the given transaction, which identifies the user, or can be any other item of information associated with the attribute data which is useful in the data mining process; a collection of stored data which can be mined to provide information which may be desired, for example, information to be used in modifying the underlying business logic of the voice system; and a user who is angry at the service should be transferred to a supervisory person are all considered routing the service call to a human operator based on the identified information indicative of past misbehavior.

Szlam was then cited for teaching the past misbehavior which includes information that the caller has violated a terms of service agreement associated wit the caller's account. In col. 8, lines 20-26, Szlam teaches the customer account number and past misbehavior a late payment account and a delinquent account.

Such late payment and delinquent account are considered past misbehavior of violating a term of service agreement associated with the caller's account.

On page 16, first and second paragraphs in the Argument section, Appellant's arguments pertaining to claims 134 and 135.

The Examiner directs Appellant's attention to the remarks above which pertains to claim 133.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Marissa Thein

Conferees:

Vincent Millin
Appeal Specialist

MICHAEL CUFF
PRIMARY EXAMINER

Ryan Zeender
SPE
Art Unit 3627 12/9/07